

# OSBA Legislative Highlights



*the Promise*  
OF OREGON

April 14, 2017

## Education advocates find compromise on physical education standards

Ten years ago, the Oregon Legislature set standards for physical education time and gave schools until the 2017-18 school year to comply. The 2007 bill, House Bill 3141, required 150 minutes of physical education per week for elementary school students and 225 minutes per week for middle school students.

As part of the Division 22 requirements that schools must follow, penalties or sanctions could be imposed on schools not in compliance. No other Oregon course has a minutes requirement.

On Tuesday, the Senate Committee on Education heard [Senate Bill 4](#), a bill to change those requirements. Since 2007, districts have struggled to provide staff and facilities for all standards. As amended, Senate Bill 4 would give schools more time and flexibility to reach the standards.

The amended bill would provide a phased-in approach, with an initial two-year delay, followed by an elementary implementation over the next two years and finally a middle school requirement. The amended bill would also make a number of technical fixes, allowing for proration of minutes for weeks shortened because of holidays, closures, or other losses of school time and creating a "safety valve" that suspends the minutes requirement when funding levels for schools do not meet Current Service Levels.

The amendments to the bill are the result of nine months of hard-fought negotiations, and they have the support of PE advocates, the Confederation of Oregon School Administrators, the Oregon Education Association, and OSBA.

Although there is consensus among PE and education advocates on the amendments, for some these changes are a bitter pill to swallow. Senate President Peter Courtney, who led the fight for the standards 10 years ago, demonstrated his irritation while testifying Tuesday. He acknowledged the long and cooperative effort to craft the amendments, but he wouldn't commit to supporting them yet.

"I'm very torn on this issue," he testified. "On one hand, I feel that 10 years is more than long enough. ... On the other hand, 90 percent of schools losing their standards this July might be a bit extreme."

The 2007 law requires the Legislature to make a biennial report on progress toward goals. The report in 2009 said districts needed 174 facilities, such as gyms and recreation areas, to provide the required PE minutes for all kids. The 2017 report estimated districts needed 226 new facilities to meet the requirements. These challenges will remain whether or not SB 4 comes into law, and one of the key points of the amendments includes a process for finding ways to implement PE standards, said Christina

## OREGON PHYSICAL EDUCATION



A 2007 Oregon law required that by the 2017-18 school year elementary students would have **150 MINUTES** per week of PE and middle school students would have **225 MINUTES** per week of PE.

Senate Bill 4 would extend the deadline and give schools more flexibility.

### Average minutes per week of PHYSICAL EDUCATION

	SCHOOL YEAR	
	2007-08	2015-16
1 <sup>ST</sup> GRADE	73	74
2 <sup>ND</sup> GRADE	75	75
3 <sup>RD</sup> GRADE	77	75
4 <sup>TH</sup> GRADE	79	75
5 <sup>TH</sup> GRADE	82	77
6 <sup>TH</sup> GRADE	126	142
7 <sup>TH</sup> GRADE	167	159
8 <sup>TH</sup> GRADE	171	155

SOURCE: Oregon Department of Education biennial reports on 2007 House Bill 3141 | CREDIT: Gina Hutchinson, OSBA

Bodamer, American Heart Association government relations director.

“There are ways to implement this and do it the right way without throwing all 52 cards in the air,” said Bodamer. “We just have to get all the right people at the table.”

In testimony, COSA Deputy Executive Director of Policy and Advocacy Morgan Allen summed up the amendments.

“These amendments” Allen said, “reflect a compromise that recognizes the current fiscal challenges for schools and offer a reasonable path to ensuring that Oregon students receive recommended levels of instruction in Physical Education.”

Senate Bill 4 is expected to be amended and moved out of the Senate Committee on Education no later than April 18. OSBA will monitor the bill.

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## OSBA Annual Convention workshop proposals requested

Mark your calendars to help celebrate OSBA’s 71st annual convention, Nov. 9-12 at the Portland Marriott Downtown Waterfront Hotel.

OSBA is seeking informative and interesting workshops primarily targeting school board members and superintendents. We are encouraging charter schools, colleges, education service districts, school districts and other organizations to present sessions that showcase successful approaches to educational issues, as well as sessions that demonstrate the advancement of student achievement and promote equity.

To share your successful program or submit your workshop proposal:  
[http://www.osba.org/Calendar/Events/Annual\\_Convention-2017.aspx](http://www.osba.org/Calendar/Events/Annual_Convention-2017.aspx)

## Education committee hears bill to radically change Measure 98

[Senate Bill 353](#) would dramatically change the implementation of the High School Graduation and College and Career Readiness Act, which was created by Measure 98.

The Senate Education Committee held a public hearing Thursday on SB 353, which was drafted by Sen. Lew Frederick (D-Portland) at the request of the Oregon Education Association.

Amendments to the bill would change the way Measure 98 came into effect, including removing the \$800 per student funding requirement; removing the requirement to increase the amount made available each school year; removing provisions encouraging districts to prioritize programs in science, technology, engineering and mathematics; and removing requirements for school districts to conduct annual analyses of student attendance and disciplinary referrals.

The hearing generated strong testimony on both sides of the issue. Betsy Salter, Portland resident and parent of a Portland Public Schools student, said she had been concerned with Measure 98 since before it was ratified.

The “funding to implement Measure 98’s three specific high school programs would exacerbate budget cuts to Oregon’s chronically underfunded K-12 public schools,” Salter said. “I believe Measure 98 should not be funded until after the state has raised sufficient revenue to maintain current levels of services.”

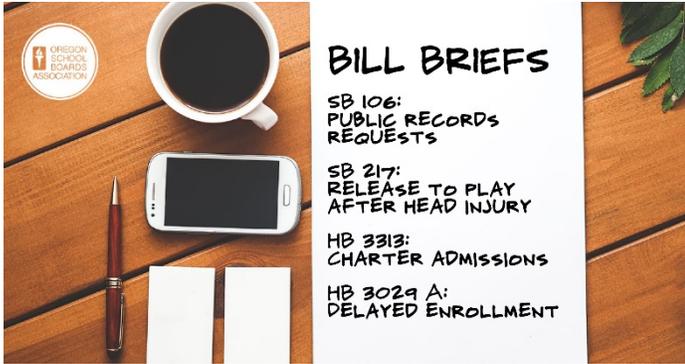
Katie Partlow, an agriculture teacher and FFA adviser, testified in opposition to the bill.

“People are now seeing the value in CTE classes,” Partlow said. “To have a prepared workforce it is essential to give these opportunities to every student in the state of Oregon. This not only benefits our students but also our local businesses, our communities and our state. This is common sense, and this is what Oregon wants. Our students deserve better. CTE works. Period.”

OSBA continues to work to support implementation of Measure 98 and will monitor the bill. SB 353 is scheduled for a work session Tuesday, and it is unclear whether there will be further amendments to the bill.

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## Bill Briefs



### Public records requests

#### [Senate Bill 106](#)

**What it does:** Senate Bill 106 would create a public records advocate and a public records advisory council. This is Gov. Kate Brown's effort to boost access to public records and address issues related to delays in filling record requests by public bodies. The advocate will be authorized to facilitate any disputes brought by a requestor. In Oregon, as elsewhere, government records are available to the public unless they are specifically exempt. Each public body, which includes school districts, in Oregon maintains its own records and handles requests for access. They are required to have a process, available in writing, for those seeking access to or a copy of the records. Public bodies are also required to respond in a reasonable amount of time and may recover costs associated with satisfying the request.

**What's new:** The bill was heard in late March and had a work session Monday. The bill was amended and moved to the Ways and Means committee because of the fiscal implications.

**What's next:** OSBA is supportive of the position and will monitor the bill's progress.

### Release to play after head injury

#### [Senate Bill 217](#)

**What it does:** The bill would add chiropractors and naturopathic physicians to the list of health care professionals allowed to provide a release to return to play for an athlete who sustained a head injury.

**What's new:** The bill was heard in early February and then again in late March. OSBA testified in opposition to adding anyone who is not a medical physician to the list. There has been a discussion around adding someone who is not trained to look for head injuries, and there are issues of certification and liability insurance. The bigger issue is returning the student to the class or "return to learn."

**What's next:** A work group will form to address how to add other health care professionals to the list, including training and certification as well as how to deal with the whole child instead of just the athletic component. The work group will submit a proposal in the next regular session.

### Charter admissions

#### [House Bill 3313](#)

**What it does:** Under current Oregon law, charter school admissions generally do not have a geographic priority. Admissions are district-wide, rather than prioritized for a specific neighborhood or area. If a charter school has reason, that school can work with a state board to get a waiver to prioritize a certain area for priority admissions. HB 3313 would allow public charter schools to give priority in admission to students who had resided within the service boundaries of a non-charter public school that had closed within two years prior to the charter school beginning to operate.

**What's new:** The House Committee on Education held a public hearing April 4. OSBA opposed the bill, citing concerns that school districts have to make difficult decisions about opening and closing schools and that giving charter schools admissions priority could damage the ability of school district boards to properly manage district-wide enrollment. That same day, the committee voted to move the bill with a "do pass" recommendation to the House floor for full consideration. The House passed the bill on April 13, by a vote of 54-2 with four members excused.

**What's next:** OSBA will monitor the bill as it moves to the Senate.

### Delayed enrollment

#### [HB 3029 A](#)

**What it does:** The bill, as amended, would allow parents of a 6-year-old student to delay enrolling that student in school for one year to better meet the child's needs for cognitive, social or physical development.

**What's new:** The House Committee on Education moved the amended measure to the floor of the House with a "do pass" recommendation on April 10. After initially testifying against the measure, based on concerns that the introduced language was too broad, OSBA supported the adoption of the amendments.

**What's next:** The bill will move to the floor of the House of Representatives for full consideration.

## The Week Ahead



### April 17, 1 p.m.

#### Senate General Government and Accountability Committee holds work session on:

- Posting instructions for accessing records of public meetings ([SB 317](#)).

### April 17, 1 p.m.

#### Senate Human Services Committee holds work session on:

- Limiting districts' ability to put students in abbreviated day programs ([SB 263](#)).

### April 17, 3 p.m.

#### House Education committee holds work session on:

- Establishing Task Force on the High School Graduation and College and Career Readiness Act ([HB 2246](#)).
- Developing ethnic studies standards ([HB 2845](#)).
- Allowing social workers to act as school counselors ([HB 3395](#)).
- Studying how to stabilize school funding ([HB 3038](#)).
- Establishing Task Force on Assessments of Children Who Are Deaf or Hard of Hearing ([HB 3412](#)).
- Requiring annual report from Teachers Standards and Practices Commission ([HB 3351](#)).
- Prohibiting education legislation ([HB 3208](#)).
- Creating behavior intervention plans ([HB 3318](#)).
- Convening ELL advisory group ([HB 3358](#)).

### April 17, 3 p.m.

#### Senate Workforce Committee holds work session on:

- Changing PERS rules ([SB 559](#) and [SB 560](#)).

### April 18, 1 p.m.

#### House Early Childhood and Family Supports Committee holds possible work session on:

- Adding kindergarten teachers in high-poverty schools ([HB 2957](#)).

### April 18, 3 p.m.

#### House Higher Education and Workforce Development Committee holds work session on:

- Revising requirements for accelerated college credit programs ([HB 2313](#)).

### April 18, 3 p.m.

#### Senate Education Committee holds work session on:

- Updating references to ESSA ([SB 20](#)).
- Implementing Measure 98 ([SB 353](#)).
- Providing services for charter schools ([SB 209](#)).
- Directing use of school facilities by private tutors ([SB 1002](#)).
- Adding naturalization test questions to diploma requirements ([SB 1038](#)).
- Testing school facilities for environmental hazards ([SB 1047](#)).

### April 18

Last day for policy committees to move measures introduced in their chamber. The deadline does not apply to Ways and Means, revenue, and rules committees.

Items may be added to committee agendas during the week. The Oregon Legislature keeps an updated page of committee agendas at:

[olis.leg.state.or.us/LIZ/Committees/Meeting/List](http://olis.leg.state.or.us/LIZ/Committees/Meeting/List)

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